

REMARKS:

Claims 23-39 are in the case and presented for consideration.

The specification and claims 15-19 and 22 were objected to and rejected, pursuant to 35 U.S.C. §112, first paragraph, and 37 C.F.R. §1.75(d)(1), on the grounds that the specification as filed failed to provide support for the claimed limitation that the tray is "self-supporting". These same claims were also rejected pursuant to 35 U.S.C. §112, second paragraph for an instance of lack of antecedent basis in claim 15.

Claims 15-19 and 22 have been canceled and replaced with new claims 23-39, which do not recite the tray is "self-supporting". Claims 23-39 are believed to be in proper form for consideration. Therefore, these rejections pursuant to section 112 and 37 CFR §1.75 are now moot.

The specification is amended herein to more clearly describe features of the invention shown in the drawings. In particular, a paragraph describing the tray of the invention as a sheet-like tray is added, to describe the generally planar appearance of the tray shown in the drawings. A second paragraph describing the cross-sectional shape of the frame 10 and supporting seat 11 of Fig. 4 is added as well. Applicant submits that these descriptions are supported by the drawings as filed and the original specification, such that no new matter has been added by these amendments.

Claims 15-19 and 22 were rejected pursuant to 35 U.S.C. §102 as anticipated by the disclosure of U.S. Patent 4,054,153 to Maurino. Claims 15-19 and 22 are canceled and replaced by new claims 23-39. Applicant submits that claims 23-39 are novel and non-obvious from the Maurino '153 patent disclosure.

New claims 23-39 include four independent claims: claims 23, 30, 34 and 39. The independent claims now presented recite, among other things, a flexible tray made of silicone material and having an outwardly projecting edge including a stiffening element, whereby the tray is flattened to remove food from the tray mold.

Applicant respectfully submits that the mold disclosed in the Maurino '153 patent is structurally different from the tray claimed by applicant because the Maurino '153 tray cannot be flattened. The structure of the mold therein is designed to deform or stretch in the presence of a vacuum, as illustrated, but not to flatten as claimed by applicant. The mold body of Maurino '153 can be extended in depth or height for removing the molded article A, A'. The mold body is pulled downwardly by effect of vacuum. See col. 3, lines 57 et seq. The distortion, or movement, of the mold walls in Maurino '153 is **opposite** that of the applicant's claimed invention.

Further, not all of the walls of the Maurino '153 mold are intended to be deformed. The Maurino '153 specification states in col. 5, lines 39-43 that, "various portions of the side walls or bottom wall are **distorted substantially** and other portions of the side wall or bottom wall **are restrained**." The material forming the mold and the stiffening frame 7 are selected for controlling the distortion of the mold so that portions of the side walls or bottom wall are restrained. As shown in the Maurino '153 drawing figures, portions of the side walls have significantly greater thickness to prevent their distortion or stretching when exposed the vacuum.

In contrast, the claims herein require the tray to be made so that it will flatten for removing the food from the tray. The applicant's tray is flattened by bringing the bottom wall and the projecting edge of the lateral wall toward each other, so that the lateral wall folds on itself.

This is a structural difference, because it is the structure of the applicant's tray which permits it to flatten, while in the cited reference, the structure of the mold prevents flattening and, as stated, certain parts of the mold from distorting.

It is apparent from the disclosure of Maurino '153 that the mold therein is not adaptable to be flattened as stated in the prior rejection of the claims. The mold is not readily deformable at ambient pressure either, as the pot is needed to create the vacuum for distorting portions of the mold while other portions are restrained. It is noted as well that to flatten the mold of Maurino '153, the lateral walls of the mold as disclosed would have to bend **inwardly**, causing the mold to **fold upon itself and any article contained** therein. This is because the diameter of the wing edge 4 reinforced by the stiffening frame 7 is rigidly fixed and would remain so when attempting to flatten the mold like applicant's claimed tray. Thus, when used for food, and baked goods in particular, attempting to fold the Maurino '153 tray flat will result in the food being crushed and deformed, which result the applicant's invention seeks to avoid.

The mold in Maurino '153 is in fact designed to deform **outwardly**, increasing the volume defined by the mold, by stretching the material forming the mold body in those portions which are not thickened to restrain deformation. As stated at col. 3, lines 47-56, the vacuum pot is sized, "to allow the mold to **expand** sufficiently that the molded article may be removed." There is no consideration in Maurino '153 that the walls of the mold will be formed to permit folding deformation of the mold for removal of molded articles. This is a different structure than that of the applicant's flattenable, reinforced edge tray.

Additionally, claims 25, 26, 33, 34-38 all recite that the stiffening element is held within a seat of the tray edge. In Maurino '153, the restraining member 7 is wholly embedded within the flanged edge of the mold.

Maurino '153 lacks a seat in the edge and a stiffening member as recited in these claims in addition to the other structural differences noted above.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested. No new matter has been added.

If any issues remain which may be resolved by telephonic communication, the Examiner is respectfully invited to contact the undersigned at the number below, if such will advance the application to allowance.

Favorable action is respectfully requested.

Respectfully submitted,



Mark A. Conklin

Reg. No. 39,148

Attorney for Applicant

(845) 359-7700

Dated: August 4, 2003

NOTARO & MICHALOS P.C.

100 Dutch Hill Road

Suite 110

Orangeburg, New York 10962-2100

Customer No. 21706

MAC:mae:al

Enc.